



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

DAVID S. THAYER
Assistant Corporation Counsel
t: (212) 356-2649
f: (212) 356-1148
e: dthayer@law.nyc.gov

APPLICATION DENIED
SO ORDERED *Vern Broderick*
VERNON S. BRODERICK
U.S.D.J. 3/18/2024

Via ECF

The Honorable Vernon S. Broderick
United States District Court for the
Southern District of New York
40 Foley Street
New York, NY 10007

Re: Jones v. City of New York, et al., No. 18 CV 1937 (VSB)(GWG)

Dear Judge Broderick:

I am an Assistant Corporation Counsel at the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants City of New York, Corizon Health, Inc., Commissioner Joseph Ponte, Dr. Ratislav Davydov, and PA Jorge Villalobos (collectively, the “City Defendants”) in the above-referenced action. I write to respectfully provide the Court with a status update from the City Defendants’ perspective and to provide some context to Plaintiff’s December 7, 2023 Letter, as well as respectfully suggest an adjournment of the upcoming status conference.

As the Court will recall, Plaintiff and the City filed a stipulation of settlement and dismissal in late June 2023. Following this, Plaintiff completed the routine associated settlement paperwork for cases involving the City of New York, namely, a release, a substitute Form W-9, and an affidavit concerning liens. Plaintiff returned these documents to me, but unfortunately, did not correctly complete the substitute Form W-9 by failing to include his Social Security Number. A new form was sent to him for completion, but it was again only partially completed, although the form contained directions for completion on the back. Shortly after I informed Plaintiff of this new error, Plaintiff filed his December 7, 2023 Letter.

Since filing that Letter, however, Plaintiff and I spoke several times, and with the assistance of a family member, the substitute Form W-9 was completed. As such, the Law Department received the complete set of paperwork for settlement on January 10, 2024. After

processing that paperwork internally, it was transmitted to the Comptroller on January 19, 2024, with a notation that the final paperwork to complete settlement had been received on the 10th. I informed Plaintiff that he could expect the payment pursuant to the settlement to be mailed to him within ninety days of January 10, 2024. This is consistent with N.Y. C.P.L.R. § 5003-a(b) and the City's obligation to inform the New York Office of Victim Services and other relevant governmental agencies of the settlement.

I understand and appreciate Plaintiff's frustration with the amount of time it took for his settlement paperwork to be completed, especially given the circumstances of his recent release. I apologize that the process, while necessary, was lengthy.

As to Plaintiff's release, the New York State Department of Corrections and Community Supervision's inmate lookup website indicates that Plaintiff was released on parole on January 31, 2024. Subsequently, the Court issued a production order for his attendance at the upcoming status conference after Plaintiff had already been released. Plaintiff then filed a Change of Address on March 1, 2024. As such, I suspect that Plaintiff may be unaware of the conference. In light of this, I respectfully submit that an adjournment of the conference to a date convenient for the Court may be warranted in the circumstances in light of Plaintiff's release, as well as in light of the foregoing status update.

If the March 18, 2024 status conference goes forward, I will attend on behalf of the City Defendants, although it is the City Defendants' position that any claims previously asserted against them have been resolved; my understanding is that Co-Defendant Olga Segal's pending motion for summary judgment, (ECF No. 154), is the only active matter that remains outstanding.

I thank the Court for its consideration of this matter.

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

cc: ***Via ECF***
Bruce Brady, Esq.
Counsel for Defendant Segal

Via First-Class Mail
Michael Jones
417 Baltic St.
Apt. 11D
Brooklyn, NY 11217
Plaintiff pro se